

# **Drug and Alcohol**

## **Policy Requirements Checklist**

### **Designated contact person, and board adoption**

- ☐ Identity of person, office, branch, and/or position
- ☐ Proof of policy adoption by Local Governing Board or Other Authorized Official

### **Covered Employees**

- ☐ Operation of a revenue service vehicle, in or out of revenue service
- ☐ Operation of a non-revenue vehicle requiring a CDL
- ☐ Controlling movement or dispatch of a revenue service vehicle (determined by employer)
- ☐ Security personnel who carry firearms
- ☐ Maintenance of a revenue service vehicle
- ☐ Contractor employees that stand in the shoes of Transit System employees also have to comply

### **Prohibited Substances**

- ☐ Marijuana
- ☐ Cocaine
- ☐ Amphetamines
- ☐ Opiates
- ☐ Phencyclidine
- ☐ Alcohol

### **Pre-employment**

- ☐ Negative test before 1<sup>st</sup> SS duty, must make up if cancelled
- ☐ Not SS for 90-days and out of pool need pre-employment test
- ☐ Applicant who failed/refused must show evidence of treatment
- ☐ If alcohol test, must follow Part 40 regulations

## **Reasonable suspicion**

- ❑ Trained supervisor
- ❑ Physical behavior, performance, contemporaneous observation

## **Post-accident**

- ❑ Fatality
- ❑ Medical treatment away from scene, unless driver discounted
- ❑ Disabling damage, unless driver discounted
- ❑ Drug test within 32 hours
- ❑ Alcohol within 8 hours
- ❑ No test 2 hours, create note, no test 8 hours, update note
- ❑ Readily available, or refusal to test
- ❑ Readily available stayed for resolution and medical treatment

## **Return-to-duty and Follow-up**

- ❑ Conducted in accordance with Part 40, subpart O

## **Random**

- ❑ Scientifically valid selection method
- ❑ Testing is conducted on all days and hours throughout the year
- ❑ Unannounced and immediate
- ❑ No discretion by management or operations

## **Prohibited behavior**

- ❑ Alcohol use 4 hours prior, on call, while performing SS duty
- ❑ Alcohol use 8 hours after accident or until PA test

## **Period of Coverage**

- ❑ Drug test – anytime on while on duty
- ❑ Alcohol test – Just before, during, or immediately after safety-sensitive duty

## **Testing Methods**

- ❑ Drug & alcohol tests - detailed discussion in policy now optional
- ❑ It is only necessary to reference Part 40, but if referenced, copies must be available for employees

## Test Requirement

- ❑ All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with Part 655

## Test Refusal

- ❑ Failure to provide breath or urine sample
- ❑ Insufficient volume without valid medical explanation
- ❑ Tampering, adulterating, or substituting specimen
- ❑ Failing to appear within a reasonable time - *defined by employer*
- ❑ Leaving the scene of an accident without just cause prior to submitting to a test
- ❑ Leaving collection facility prior to test completion
- ❑ Failing to permit an observed or monitored collection when required
- ❑ Failing to take a second test when required
- ❑ Failing to undergo a medical examination when required
- ❑ Failing to cooperate with any part of the testing process
- ❑ Failing to sign Step 2 of alcohol test form
- ❑ MRO verified adulterated/substituted sample
- ❑ Once test is underway, failing to remain at site and provide a specimen
- ❑ For pre-employment, NOT refusal: Failure to appear
- ❑ For pre-employment, NOT refusal: Failure to remain at site prior to commencement of test
- ❑ For pre-employment, NOT refusal: Aborting the collection before the test commences
- ❑ No claim that refusal to take a company test is a refusal to DOT test

## Consequences

- ❑ Positive drug or alcohol (above 0.04) test result or test refusal
- ❑ BAC (0.02 to 0.039)
- ❑ Dilute negative
- ❑ Dilute negative results 2-5 mg/dl
- ❑ Immediate remove employee from safety-sensitive position
- ❑ Refer for assessment by a Substance Abuse Professional
- ❑ Apply transit system disciplinary policy
- ❑ SAP Referral Required
- ❑ All employees/applicants must be given valid contact information for a USDOT-qualified SAP if they test positive.

## **Additional Employer Provisions Allowed**

- ❑ Must be identified
- ❑ The provisions of the Drug Free Workplace Act of 1988 may be incorporated in the policy statement but must be so identified

## **Compliance Tips**

- ❑ Effective date of policy-normally found on cover of policy
- ❑ Policy distribution -Employees should be requested to sign a confirmation of receipt form
- ❑ Make sure future revisions of a substantive nature also receive Board approval
- ❑ Make sure all employees have the most current version of the policy
- ❑ Clearly differentiate between FTA and company authority